

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK COTTON,

Plaintiff,

No. 20-10043

v.

Hon. Nancy G. Edmunds

CITY OF DETROIT, *et al.*,

Defendants.

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Derrick Cotton filed suit against Defendant City of Detroit as well as a number of City of Detroit police officers in the Wayne County Circuit Court, but the City of Detroit removed the action to this Court on January 7, 2020. Plaintiff's complaint alleges violations of the United States Constitution and 42 U.S.C. § 1983. The complaint also brings state law claims of assault and battery, false arrest, and gross negligence.

Since the parties in this matter are nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. *See* 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Therefore, pursuant to § 1367(c), Plaintiff's state law claims, including all of the claims in Counts III and IV of his complaint, are hereby REMANDED to the Wayne County Circuit Court. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 8, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 8, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager